

CITY OF TIGARD, OREGON

ORDINANCE NO. 04- 01

AN ORDINANCE ADOPTING FINDINGS AND CONCLUSIONS TO APPROVE AN ANNEXATION (ZCA) 2003-00007 (CLEAN WATER SERVICES ANNEXATION) AND WITHDRAWING PROPERTY FROM THE TIGARD WATER DISTRICT, THE WASHINGTON COUNTY ENHANCED SHERIFF'S PATROL DISTRICT, WASHINGTON COUNTY URBAN ROADS MAINTENANCE DISTRICT, WASHINGTON COUNTY STREET LIGHTING DISTRICT #1, AND THE WASHINGTON COUNTY VECTOR CONTROL DISTRICT, AND TRANSFERRING SANITARY SEWER SERVICE FROM CLEAN WATER SERVICES.

WHEREAS, the City of Tigard is authorized by ORS 222.120(4)(B) and 222.170 to initiate an annexation upon receiving consent in writing from a majority of the electors registered in the territory proposed to be annexed and written consent from owners of more than half the land in the territory proposed to be annexed; and

WHEREAS, the City of Tigard is authorized by ORS 222.120(5) and 222.520 to withdraw properties which currently lie within the boundary of the Tigard Water District, Washington County Enhanced Sheriff's Patrol District, Washington County Urban Roads Maintenance District, Washington County Street Lighting District #1, Clean Water Services for purposes of providing direct sanitary service, and the Washington County Vector Control District upon completion of the annexation; and

WHEREAS, the Tigard City Council held a public hearing on January 27, 2004 to consider the annexation of four (4) parcels of land consisting of 47 acres and withdrawal of said property from the Tigard Water District, the Washington County Enhanced Sheriff's Patrol District, Washington County Urban Roads Maintenance District, Washington County Street Lighting District #1, and the Washington County Vector Control District, and transfer of sanitary sewer service from Clean Water Services; and

WHEREAS, pursuant to ORS 222.520(2) the City is liable to the Water District for certain debt obligations, however, in this instance the Water District has no debt for the City to assume, therefore, no option regarding the assumption of debt needs to be made; and

WHEREAS, pursuant to Metro 3.09, ORS 222.120 and 222.524, notice was given and the City held a public hearing on the issue of the annexation into the City and withdrawal of the annexed property from the Tigard Water District, the Washington County Enhanced Sheriff's Patrol District, Washington County Urban Roads Maintenance District, Washington County Street Lighting District #1, and the Washington County Vector Control District on January 27, 2004; and

WHEREAS, pursuant to ORS 222.524, the City must declare the withdrawal of annexed properties from the Tigard Water District, the Washington County Enhanced Sheriff's Patrol District, Washington County Urban Roads Maintenance District, Washington County Street Lighting District #1, and the Washington County Vector Control District by Ordinance; and

WHEREAS, the Tigard Development Code states that upon annexation, the zone is automatically changed to the City zoning most closely conforming to the County zoning; and

WHEREAS, the current and proposed zoning district is R-4.5, therefore, no zone change is necessary; and

WHEREAS, the annexation has been processed in accordance with the requirements of Metro 3.09 and has been reviewed for compliance with the Tigard Community Development Code and the Comprehensive Plan and the annexation substantially addresses the standards in Metro 3.09 regulating annexations; and

WHEREAS, the City Council has carefully considered the testimony at the public hearing and determined that withdrawal of the annexed properties from the applicable service districts is in the best interest of the City of Tigard.

NOW, THEREFORE, THE CITY OF TIGARD ORDAINS AS FOLLOWS:

SECTION 1: The Tigard City Council hereby annexes the parcels shown in the attached **Exhibit "A"** and further described in **Exhibit "B"** and withdraws said parcels from the Tigard Water District, the Washington County Enhanced Sheriff's Patrol District, Washington County Urban Roads Maintenance District, Washington County Street Lighting District #1, and the Washington County Vector Control District.

SECTION 2: This ordinance shall be effective 30 days after its passage by the Council, signature by the Mayor and posting by the City Recorder.

SECTION 3: The City Recorder is hereby directed to file certified copies of the Ordinance with Metro for administrative processing.

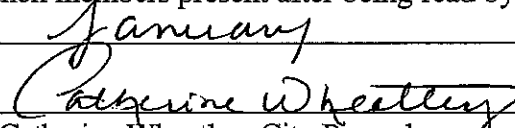
SECTION 4: Pursuant to ORS 222.120(5), the effective date of the withdrawal of the property from the Tigard Water District, the Washington County Enhanced Sheriff's Patrol District, Washington County Urban Roads Maintenance District, Washington County Street Lighting District #1, and the Washington County Vector Control District shall be the effective date of this annexation.

SECTION 5: Pursuant to an agreement between Clean Water Services and the City, upon the effective date of this ordinance, the City will be the agency responsible for providing direct sanitary service to the property or properties that are annexed.

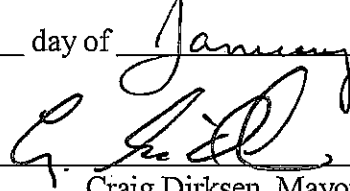
SECTION 6: Pursuant to ORS 222.465, the effective date of the withdrawal of this property from the Tigard Water District shall be July 1, 2004.

SECTION 7: In accordance with ORS 222.180, the annexation shall be effective upon filing with the Secretary of State.

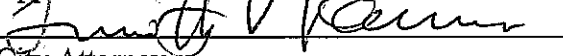
PASSED: By unanimous vote of all Council members present after being read by number and title only, this 27th day of January, 2004.


Catherine Wheatley, City Recorder

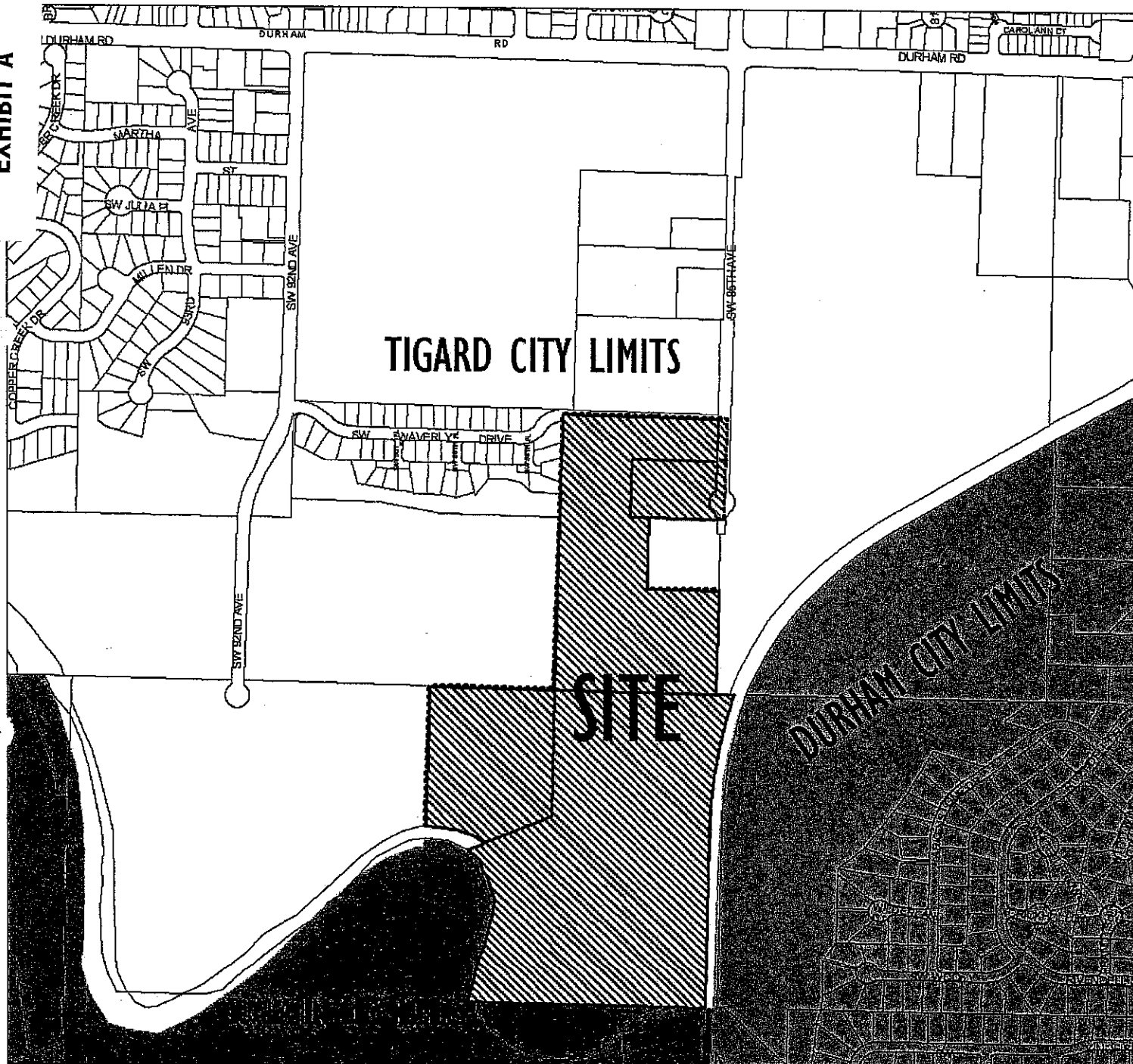
APPROVED: By Tigard City Council this 27th day of January, 2004.


Craig Dirksen, Mayor

Approved as to form:


City Attorney

1/27/04
Date



CITY of TIGARD

GEOGRAPHIC INFORMATION SYSTEM

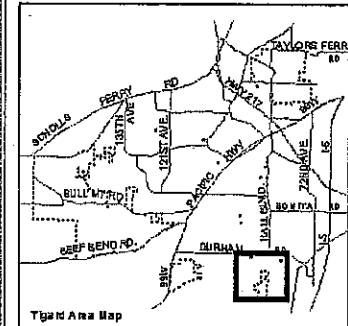
VICINITY MAP

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ZCA2003-00007

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CLEAN WATER SERVICES ANNEXATION



0 400 800 Feet

1"= 687 feet



City of Tigard

Information on this map is for general location only and should be verified with the Development Services Division.
13125 SW Hall Blvd
Tigard, OR 97223
(503) 636-4171
<http://www.ci.tigard.or.us>

DESCRIPTION
FOR ANNEXATION

A TRACT OF LAND LOCATED IN THE NORTHEAST AND THE SOUTHEAST ONE-QUARTERS OF SECTION 14 AND THE SOUTHEAST ONE-QUARTER OF SECTION 13, TOWNSHIP 2 SOUTH, RANGE 1 WEST, WILLAMETTE MERIDIAN, WASHINGTON COUNTY, OREGON DESCRIBED AS FOLLOWS:

BEGINNING AT THE ONE-QUARTER CORNER LOCATED BETWEEN SECTIONS 13 AND 14 TOWNSHIP 2 SOUTH, RANGE 1 WEST WILLAMETTE MERIDIAN THENCE S 88° 48' 39" E A DISTANCE OF 72.95 FEET TO THE WESTERLY RIGHT-OF-WAY OF THE BURLINGTON NORTHERN RAILROAD AND A POINT ON A CURVE TO THE LEFT; THENCE S 09° 52' 57" W, ALONG SAID RAILROAD RIGHT-OF-WAY AND A CURVE TO THE LEFT WITH A RADIUS OF 1884.86 A DELTA OF 17° 17' 45" (A CHORD WHICH BEARS S 09° 52' 57" W 566.55 FEET) AND A LENGTH OF 568.7 FEET; THENCE S 01° 27' 20" W A DISTANCE OF 755.53 FEET; THENCE N 88° 39' 13" W A DISTANCE OF 974.11 FEET MORE OR LESS TO THE CENTER OF THE TUALATIN RIVER; THENCE ALONG SAID CENTER OF THE TUALATIN RIVER THE FOLLOWING 12 COURSES, N 14° 27' 51" E A DISTANCE OF 86.91 FEET; THENCE N 12° 10' 49" E A DISTANCE OF 81.60 FEET; THENCE N 21° 18' 16" E A DISTANCE OF 85.28 FEET; THENCE N 13° 32' 50" E A DISTANCE OF 67.13 FEET; THENCE N 14° 41' 57" E A DISTANCE OF 76.48 FEET; THENCE N 01° 28' 27" E A DISTANCE OF 53.89 FEET; THENCE N 16° 08' 34" W A DISTANCE OF 94.95 FEET; THENCE N 36° 19' 23" W A DISTANCE OF 39.42 FEET; THENCE N 07° 25' 50" W A DISTANCE OF 42.72 FEET; THENCE N 49° 27' 18" W A DISTANCE OF 37.97 FEET; THENCE N 57° 14' 11" W A DISTANCE OF 33.77 FEET; THENCE N 64° 07' 23" W A DISTANCE OF 81.01 FEET; THENCE N 84° 34' 28" W A DISTANCE OF 93.58 FEET; THENCE N 01° 22' 18" E A DISTANCE OF 631.10 FEET; THENCE S 88° 37' 46" E A DISTANCE OF 514.88 FEET; THENCE N 01° 35' 43" E A DISTANCE OF 1140.32 FEET; THENCE S 88° 30' 28" E A DISTANCE OF 660.07 FEET; THENCE S 01° 35' 35" W A DISTANCE OF 416.03 FEET; THENCE N 88° 24' 25" W A DISTANCE OF 295.20 FEET THENCE S 01° 24' 25" E A DISTANCE OF 295.20 FEET; THENCE S 88° 24' 25" E A DISTANCE OF 295.20 FEET; THENCE S 01° 35' 35" W A DISTANCE OF 427.70 FEET TO THE POINT OF BEGINNING.

CONTAINING 47 ACRES MOR OR LESS.